

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JERMAINE HICKMAN,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No. 8:07CR150

ORDER

This matter is before the court on defendant Jermaine Hickman's Motion for Continuance [27]. In his motion Hickman requests the enlargement of time to file various pretrial motions, the need for additional discovery, and a continuance of his June 18, 2007 trial date. After review of the case docket, I find that Hickman has not shown good cause to reopen discovery, which closed on May 1, 2007, nor has he shown good cause to reopen the pretrial motion deadline, which expired on May 14, 2007. However, in the interests of justice, the court will continue the trial date.

IT IS ORDERED that defendant's Motion [27] is granted in part, and denied in part, as follows:

1. The defendant's request for additional discovery and to "enlarge time" for filing pretrial motions is denied.

2. The above-entitled case is scheduled for a jury trial before the Honorable Lyle E. Strom, Senior District Court Judge, to begin Monday, July 30, 2007, at 9:00 a.m. in Courtroom No. 5, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present

in person. Counsel will receive more specific information regarding the order of trial from Judge Strom's staff.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between June 12, 2007 and July 30, 2007, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

Dated this 15th day of June 2007.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge